

Notice of Allowability

Application No.

09/982,516

Examiner

Anand U Desai

Applicant(s)

MADSEN ET AL.

Art Unit

1653

-- **Th MAILING DATE of this communication appears on the cover sheet with th correspond nce address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 August 2003.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
- (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
- (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

1. This Office Action is in response to amendment filed August 14, 2003. Claims 1-6 are currently pending and are under examination.

2. This application has been filed with declared informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The application having been allowed, formal drawings are required in response to this Office Action.

Specification

3. Acknowledgment is made to the amendment to the specification to properly indicate trademarked terms and include the generic definitions of these terms.

Examiner's Amendment

4. An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Examiner's Amendments to the Specification:

At page 1, under the title before line 5, the following has been inserted:

-- PRIORITY DATA

This application is a continuation of PCT/US00/32843, filed December 4, 2000 and provisional application Serial Number 60/168,819, filed December 3, 1999. ---

Claim Rejections - 35 USC § 103

5. Upon review of Applicants response the 35 U.S.C. 103(a) rejection for claims 1-6 are withdrawn.

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance: Claims 1-6 are allowable. The prior art of record does not teach a method of purifying recombinant human angiostatin using the steps described in the instant application. The closest prior art, Folkman et al. U.S. Patent 5,837,682 teaches purification of recombinant human angiostatin expressed from *Pichia pastoris* using a lysine sepharose column for separation from other proteins and elution from the column using ϵ -amino caproic acid (column 51, lines 44-55). Folkman et al. does not teach the steps of expanded bed absorption cationic exchange chromatography, with down stream purification steps of anion exchange, hydroxyapatite, and hydrophobic chromatography to purify large-scale quantities of recombinant human angiostatin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

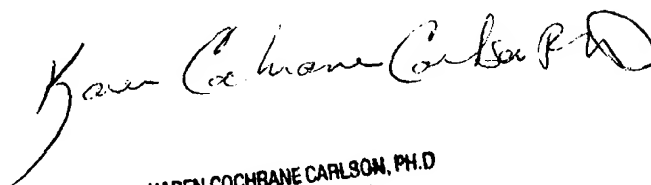
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand U Desai whose telephone number is (703) 305-4443. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 4:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0198.

October 17, 2003

A handwritten signature in black ink, appearing to be 'AG' or similar, with a large circular flourish at the end.A handwritten signature in black ink, reading 'Karen Cochrane Carlson' followed by a large circular flourish.

KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER